

Indianz.Com. In Print.

<http://www.indianz.com/News/2013/12/10/native-sun-news-tribal-opposit.asp>

Native Sun News: Tribal opposition puts hold on uranium mine

Tuesday, December 10, 2013

Filed Under: [Environment](#) | [National](#)

More on: [native sun news](#), [oglaala sioux](#), [south dakota](#), [uranium](#)

[Tweet](#)

[G+ Share](#)

[Share](#)

0

The following story was written and reported by Talli Nauman, Native Sun News Health & Environment Editor. All content © Native Sun News.



Lawyers for plaintiffs in proceedings on Dewey-Burdock uranium mining proposal address NRC board in the Black Hills at initial federal hearing in 2009. PHOTO BY/Talli Nauman

Native American arguments put uranium mining on hold

By Talli Nauman

Native Sun News

Health & Environment Editor

[PART I](#) | [PART II](#) | [PART III](#) | [PART IV](#) | [PART V](#) | [PART VI](#)

RAPID CITY — South Dakota's Nov. 25 official choice to refrain from ruling on permit applications for the proposed Dewey-Burdock in-situ leach (ISL) mining project upstream from South Dakota's largest Indian reservations was a bell ringer.

It means that Powertech Uranium Corp., which has been embroiled in public contested case hearings since September, now has to wait to again seek state permission -- until after federal officials address Native American concerns about protections for land, water, air and cultural resources.

"The administrative hearing on Powertech's applications pending before the board is continued until resolution by the federal agencies," South Dakota Water Management Board Hearing Chair Rodney Freeman determined in a written order ending the proceedings for three permits.

Powertech has told investors it would start work in 2014. However the continuation could be delayed for a longer while, because no change is on the horizon in a stalemate between the feds

and the tribes in negotiating terms of a 10,000-acre Dewey-Burdock cultural resource survey to the satisfaction of 23 Sioux tribal governments.

The recent decision cancelled a hearing scheduled in Rapid City for Dec. 9, as a requisite for a state ruling on whether to grant the corporation's wholly-owned subsidiary Powertech (USA) Inc. rights to 8,500 gallons of water per minute from the Inyan Kara Aquifer and 551 gallons per minute from the Madison Aquifer.

The hearing was also to take testimony on the issue of authorization to dump the mine waste water out on the ground.

The water would be used in a 20-year operation near Edgemont in extreme southwestern Dakota that would dissolve uranium in the aquifer and bring it to the surface for on-site conversion into concentrated radioactive yellow cake destined to facilities that process fuel for nuclear power plants. Freeman said the board's resolution responded to requests from both the company and interveners – among them, the Oglala Sioux Tribe -- who want to block the permits.

It followed on a similar action by the Board of Minerals and Environment, which stayed proceedings on Powertech's large-scale mining permit application on Nov. 11, pending consent to various corporate requests under consideration at the Nuclear Regulatory Commission, EPA and other federal agencies.

"Failure of any of those other agencies or boards to grant their licenses, permits, or other approvals may render a predetermination of the BME on the permit moot or potentially in conflict," the Board of Minerals and Environment dictated.

The day after the mineral board verdict, one of Powertech's largest shareholders dumped all its stock – 16 percent of the holdings.

The shareholder, a Belgian nuclear power provider named Synatom, is a wholly-owned subsidiary of the world's largest utility company and second-largest water service purveyor, the French corporation GDF Suez.

Azarga Resources Ltd., headquartered in Chinese business hub of Hong Kong, immediately snatched up the stock, it announced that same Nov. 12. The purchase made it the proud majority owner of Powertech with 45 percent of all shares.

Azarga already had become Powertech's largest single shareholder on Nov. 7 when it upped its stocks from about 17 to 29 percent of the total.

In its cozy relationship with the new investor that came on board in July, Powertech has been operating on monthly advances of \$300,000 and \$400,000 from a loan agreement signed with Azarga Oct. 18.

The agreement included the resignations of former Powertech officers Thomas Doyle and Greg Burnett, and the closure of their Vancouver, Canada office, as well as the closure of Powertech's office in Albuquerque, New Mexico, where the only remaining original officer, Richard Clement, resides.

Clement was moved from the position of president and CEO to that of corporate secretary.

At the time, he said in a company news release: "We are very happy to strengthen even further our strategic alliance with Azarga. The provision of this financing facility provides the company with the financial resources it requires to progress through the completion of the permitting process with confidence and clarity.

"In addition, the closure of the Vancouver office will reduce the operating costs of the company and will assist us in achieving our goal of receiving the required operating permits at a lowest

cost."

Azarga has agreed to independently finance the corporate functions performed by the Vancouver office with no diminishment of relations with the Toronto Stock Exchange ("TSX") and shareholders, he said.

The new management has called shareholders to vote Dec. 18 on its recommendation to approve monthly disbursements of the entire \$3.6-million loan from the investment partner registered in the British Virgin Islands.

The financial credits would allow the company, now directed by Azarga nominees Apolonijs (Paul) Struijk and Australian accountant Matthew O'Kane, to continue pursuing the myriad permits it has been seeking since 2009.

Like Powertech, Azarga has no record of mining uranium, but some of the business associates boast experience and they sure would like to get more in South Dakota.

For that to happen, Powertech needs a uranium recovery license from the Nuclear Regulatory Commission, and the NRC's requisite draft supplemental environmental impact statement for the operation remains to be finalized.

The drafters on the NRC staff state that the project will have little economic effect, "small to moderate" impacts on water and other conditions, and a "large" impact only on cultural resources, mainly Native American artifacts.

Section 106 of the National Historic Preservation Act, requiring consultation between the federal government and tribes on these resources, means the impact statement cannot be concluded until formal negotiations between the federal and tribal governments is achieved.

Almost two dozen tribes insist they be allowed to take part in a survey of the entire property, but the company has only provided resources for non-Indian surveys of a much more limited scope.

Together with the Oglala Sioux Tribe and several individuals, the Native American non-profits Owe Aku (Take Back the Way) and Defenders of the Black Hills, all have standing to argue in NRC hearings over the project's uranium recovery license.

In addition to cultural resource clearance, among other things, the company also needs Class III or Class V Underground Injection Control permits from EPA for mine waste water disposal and a certificate of federal exemption from the Clean Water Act, since it cannot return mine water to baseline conditions.

Lawyers for the interveners in the recent state hearings, including the Oglala Sioux Tribe, the Wild Horse Sanctuary, Dakota Rural Action, and the Clean Water Alliance, Susan Henderson and other individuals had filed for postponement of state hearings before they began. However both the Water Management Board and the Minerals and Environment Board denied the requests, accepting Powertech's urging to proceed apace.

Each board scheduled two weeks of hearings for itself but decided to refrain from further discussion after the first week's arguments convinced board members they had the proverbial cart before the horse.

(Contact Talli Nauman is the Health and Environment Editor for Native Sun News and can be reached at talli.nauman@gmail.com)

Copyright permission by Native Sun News

Copyright © Indianz.Com